

**MONONGALIA COUNTY, WEST VIRGINIA LOCAL EMERGENCY PLANNING COMMITTEE
(LEPC)
BY-LAWS OF THE LEPC**

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Preamble

To provide an efficient means of operation, the Monongalia County Local Emergency Planning Committee (LEPC) has established the following set of By-Laws and Procedures by which to operate.

These By-Laws and Procedures address a variety of issues and requirements including meeting formats, agendas, public notification of activities, receiving and responding to public comment, distribution of emergency plans, and requests for information under the Right-to-Know provisions.

Changes to the By-Laws and Procedures

The By-Laws & Procedures may only be changed by a two-thirds majority vote of the LEPC following a three-month review of the proposed changes by all members of the LEPC.

Composition of the Committee

The committee shall be composed of the following representatives and other interested public as deemed appropriate by the LEPC:

- 1) Owner/Operator
- 2) Emergency Management
- 3) Elected Local Official
- 4) Law Enforcement
- 5) Fire Service
- 6) Health
- 7) Local Environment
- 8) Hospital
- 9) Transportation
- 10) Ambulance
- 11) Broadcast/Media
- 12) Community Group

All members shall be appointed by the LEPC for terms not to exceed three years. Members may be re-appointed without any limit on the number of terms.

Officers

A quorum of the LEPC shall elect a Chairperson and Vice-Chairperson at a publicly announced meeting for a term not to exceed two years. Nothing in these by-laws shall preclude one person from holding more than one office except the Chairperson and Vice-Chairperson, who by the nature of the positions, must be two separate individuals.

There are no limits imposed on the number of terms for each office; however, the committee shall encourage participation of as many members as possible to fulfill the functions of the officers.

1.) Chairperson

The Chairperson shall be elected by a majority vote of the LEPC. The term of the Chairperson will run for a period of two years starting July 1st and ending June 30th. Elections will be conducted at the second calendar quarter meeting (i.e. April - June).

The role of the Chairperson is to be the leader of the committee and ensure that all tasks and requirements are carried out. These duties include setting meeting times and agenda, appointing standing or AD HOC subcommittees, chairing meetings and other duties associated with being a chairperson for any type of committee.

2.) Vice-Chairperson

The Vice-Chairperson shall be elected by a majority vote of the LEPC. The term of the Vice-Chairperson will run for a period of two years starting July 1st and ending June 30th. Elections will be conducted at the second calendar quarter meeting (i.e. April - June).

The role of the Vice-Chairperson is to be the leader of the committee and ensure that all tasks and requirements are carried out in the absence of the Chairperson. These duties include setting meeting times and agenda, appointing standing or AD HOC subcommittees, chairing meetings and other duties associated with being a Vice-Chairperson for any type of committee.

3). Recorder/Secretary

A Recorder/Secretary shall be the Administrative Assistant from Emergency Management/M.E.C.C.A. 9-1-1. If this position is not available to the LEPC, the Recorder/Secretary shall be appointed by the Chairperson for a term not to exceed two years to record the actions and affairs of the LEPC.

The responsibilities shall include recording minutes of LEPC meeting, sending out meeting notifications, preparing the meeting agenda, public notification of meeting and any other duties as assigned by the Chairperson.

4). Coordinator of Information

The Coordinator of Information shall be the Emergency Management Coordinator of the Monongalia County Office of Emergency Management. If such a position is not available to the LEPC, a Coordinator of Information shall be appointed by the Chairperson for a term not to exceed two years.

It is the duty of the Coordinator of Information to process public information requests in a timely manner. The Coordinator must maintain all records and have access to those records during normal business hours and shall use the procedures and guidelines contained in Attachment A to fulfill these duties.

Public Notification of LEPC Activities

The following requirements are set forth for conducting public meetings of the LEPC.

1.) Meetings

Meetings shall be held at least once per calendar year quarter and will be conducted using "Robert's Rules of Order". The Recorder/Secretary shall issue a news release at least three business days before each meeting to all local broadcast media. Attachment B contains a sample of a suggested news release.

2.) Public Hearings

Notification of Public Hearings shall be the same as for meeting notification, but also shall include a legal advertisement placed in the local newspapers at least five business days before the public hearing. Attachment B contains a sample of a suggested legal advertisement.

3.) Major Reports & Plans

Public notification concerning the issuing of Major Reports and Plans shall be the same as for Public Hearings.

4.) Minutes of Meetings & Hearings

Official minutes of all LEPC meetings and hearings shall be documented and made available to the public upon request. Requests for minutes shall be made using the request for information procedures in Attachment A.

Public Comment & Response

Occasionally the LEPC will be confronted with both positive and negative public comment. The LEPC shall respond to such comments timely and responsibly with the public interest in mind. The LEPC may receive comments through letters, news editorials, telephone calls and formal oral comments at LEPC meetings.

It is very important that the LEPC respond officially and timely. The LEPC shall request that all questions and comments be submitted in writing. This will provide for adequate documentation and will allow the LEPC to respond accordingly.

Oral comments at public meetings shall be recorded. It should be noted that instantaneous responses to sensitive questions or comments are not mandatory. A well-prepared response to sensitive issues, delivered in a reasonable time, is acceptable.

Identification of Covered Facilities

The identification of covered facilities that must meet (1) Emergency Release Notification and Emergency Planning, (2) Hazardous Chemical Reporting and (3) Toxic Chemical Release Inventory requirements of SARA Title III ("Emergency Planning & Community Right-To-Know Act of 1986/Public Law 99-499) is a monumental task.

Many facilities, especially small, independent facilities, may not know that they are required to report to the LEPC. The LEPC can help in the identification of covered facilities through:

(1) Chamber of Commerce

(2) Planning Commissions

- (3) Phone Book Yellow Pages
- (4) State Tax Records, through the County Assessor's Office
- (5) Standard Industrial Code (SIC) Book

Once the LEPC identifies a potentially covered facility, the LEPC shall formally contact that facility to request information regarding their status as a covered facility. Attachment C contains a sample letter that may be used when contacting these facilities.

The LEPC shall attempt to communicate the requirements of Title III to facilities within their district. Methods of communicating this information are advertisement, news articles, trade journals, seminars and other such means.

The LEPC can expect to encounter many questions from facility owners and operators. The reporting requirements are complex and the facility owner/operator may not know if Title III applies to their facility.

A covered facility also may need to be provided information about the substances covered under Title III. The Federal Register contains lists of these substances including: "List of Hazardous Chemicals", "Extremely Hazardous Substances", and "Toxic Chemicals".

The facility will be provided with a copy of those lists on request. Title III legislation has mandated many new changes and requirements on both government and private industry. Only through cooperation, good communications and much hard work, can the requirements of this vital piece of legislation be met.